

**APPROVED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, July 14, 2014 – 7:00 p.m.
TOWN HALL MEETING ROOM # 133**

1. Convene Meeting

Chairperson S. Fox convened the meeting at 7:01 p.m., and established a quorum of members.

2. Roll Call and Designation of Alternates

Present: Chairman S. Fox, Vice Chairman M. Forlenza, Secretary M. Mulvaney

Absent: M. Kukk, R. Huttemann

Also Present: Wetlands Enforcement Officer K. Daniel, Recording Secretary D. Cioffi

3. Wetlands Enforcement

a. Enforcement Officer's Report

284 Whisconier Rd. – WEO Daniels advised that the property owner has obtained a permit, plantings have been installed, the Certificate of Occupancy has been signed, the site is stable and the materials were removed from the stream. She recommended clearing the Notice of Violation. **Secretary Mulvaney moved to remove and clear the Notice of Violation for 248 Whisconier Rd. Vice Chairman Forlenza seconded the motion, and it carried unanimously.**

3. 36 North Mountain Road #201400221

a. Sheet 1 of 1 – Mitigation Plan prepared by CCA, LLC dated 07/02/14 – WEO

Daniel referred the Commissioners to the Mitigation Plan in the file. She requested that they consider a planting bond with a requirement of survivability of three growing seasons.

J. Sivo, 13 Nabby Rd., was present. The plans were reviewed, and it was noted that the plantings will be on the site, as well as on the neighboring Town property. The planting species were identified. *Ms. A. Adams, Landscape Architect, CCA, 40 Old New Milford Rd., was present.* She indicated she was at the site with WEO Daniel three weeks ago. Ms. Adams advised that the Mitigation Plan seeks to add under-story growth, where there has been disturbance in the upland review area.

There was discussion regarding a tree that came down due to wind. It was noted that the roots are exposed. Mr. Sivo wishes to remove the stump once it has been permitted by the Town.

WEO Daniel recommended installation of the plantings prior to August 15, 2014, as that will count toward a growing season. Chairperson Fox advised that the NOV will stay in place until the plantings are installed. Mr. Sivo indicated he would attempt to install the plants within the next thirty (30) days.

The bond estimate of \$788.00 was submitted.

Chairperson Fox moved to accept the plan for 36 North Mountain Road, and set the bond for \$788.00, with the expectation that the plantings will be installed by August 15, 2014. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

2. 20 Deerfield Road #201301082 - WEO Daniel advised that First Light's B. Wood will be inspecting the property prior to the first of the month, to determine if a permit is needed for the material put down to prevent milfoil growth.

1. 64 North Lake Shore Drive #201300317

a. Letter from Attorney Thomas Beecher to Dean Vlahos dated 06/24/14 Re:

Inland Wetlands Violations – Noted; letter indicated legal action will be taken if compliance not obtained by July 23, 2014.

18 North Lakeshore Drive – WEO Daniel advised that she is awaiting completion of the work before consideration of release of fines. The property owner is aware of this.

1 High Ridge Road – WEO Daniel advised that Town Counsel continues to work on resolving the legal issues. There is no update at this time. The Commission is aware that Dr. Zaky has changed the ownership of the property to different legal entities, which has made execution of the judgment difficult. After some discussion, it was decided that Chairperson Fox will contact Town Counsel to determine if it is possible to file something on the land records to protect any subsequent property owner(s).

b. Site Inspection Reports

110 Federal Road (BJ's)

- **Letter from M. Morin of the Northwest Conservation District dated 06/25/14**
Letter from James Cowen of Environmental Planning Services to the Inland Wetlands Commission dated 07/09/14 Re: Wetland Mitigation Monitoring Inspection Report #7 – WEO Daniel advised that the mitigation is proceeding well.

101 Obtuse Hill Rd (Cross Pond Drive)

- **Letter from M. Morin of the Northwest Conservation District dated 07/09/14-** Noted.

Secretary Mulvaney moved to go to Agenda Item 5.e., Jurisdictional Ruling.

5. New Business

e. 8 Stage Rd #201400592: Jurisdictional Ruling – Tree Removal

1. Town of Brookfield, CT GIS Map showing location of proposed tree removal at 8 Stage Road received in the Land Use Office on 07/10/14

R. and I. Murdock, 8 Stage Rd., were present. They wish to remove three trees from the wetland buffer zone. The trees are within ten feet of each other and are in danger of falling on the house. Two of the trees are dead, and they are 40-65 feet tall. Mrs. Murdock advised that the chips will be taken out and used in the yard, but not in the wetlands. Mr. Murdock advised that the stumps will stay in place. It was determined that this matter is a **Jurisdictional Ruling**.

4. Old Business:

a. 54 Obtuse Road North #201400456: New 2,200 square feet residential single family dwelling with two-car attached garage (dec date 08/13/14)

1. Sheet LS – Mitigation Plan prepared by CCA, LLC dated 07/10/14 –

F. Cereno, Future Owner, 2 Cannon Rd., W. Smalley, Current Owner, 54 Obtuse Road North, and A. Garzi were present. Chairperson Fox reviewed the previous discussion. Mr. Garzi reviewed the plan devised by A. Adams, Landscape Architect of CCA. He noted the area where the invasives will be removed, and identified five areas for plantings. Mr. Garzi indicated that all disturbed areas will get conservation seed mix. Mr. Cereno and Mr. Smalley have been removing debris by hand. Upon inquiry from Secretary Mulvaney, Mr. Garzi confirmed that A. Adams will “field locate” the invasives.

Mr. Garzi noted the Commission’s prior concern regarding the septic. Mr. Garzi indicated that there is approximately 100 feet of distance, and noted that change in the regulation. He discussed the installation of the curtain drain and the moving of the roof drains. Upon inquiry from Vice Chairman Forlenza, Mr. Garzi pointed out the closest distance. The Health Department did not mandate the curtain drain, but the Sanitarian did advise it was “a good idea” per Mr. Garzi.

It was noted that trees will be “devined” but not removed. Additionally, an error on the plans showing a cross over to wetlands will be corrected to read “no disturbance”.

Mr. Garzi indicated that the bond will be \$1,148.00, and he will provide the details. Chairperson Fox also requested that the area that will not be disturbed be circled and denoted as such on the plans.

There was discussion regarding invasives in the wetlands. *A. Adams, Landscape Architect, CCA, 40 Old New Milford Rd., was present.* WEO Daniel identified the area where no work should be done and Mr. Garzi advised that he and his client are aware of the area, and it was initialed on the plans.

There was discussion regarding work that Mr. Cereno may wish to do in the future, and Chairperson Fox indicated it would have to be done via a modification.

Chairperson Fox moved to approve the application for 54 Obtuse Road North, #201400456: New 2,200 square feet residential single family dwelling with two-car attached garage, as documented on a plan with date of 7/10/14, with all the normal stipulations, which include silt fence and hay bales, and that the applicant contact the WEO for inspection after installation; plus the minor modification to the map to stay to upland review side of the wetlands on the map; to the set planting bond for \$1,148.00, and that the applicant will provide the details of the plantings within thirty (30) days. Also, specifically, that the applicant will not be taking any trees down in the upland review area on the plan. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

There was discussion bringing in a small machine to work in the regulated area, and inspection may take place by WEO Daniel and/or the Commissioners.

b. Still River Greenway #201400000: Phase Two – Approval Stipulation #6 – No one present. Secretary Mulvaney moved to continue the Still River Greenway, #201400000: Phase Two – Approval Stipulation #6, to the next regularly scheduled meeting. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

c. 419 Federal Rd #201400537: Modification to Existing Permit #201300261/#201300914: Employee Parking Relocation; Plunge Pool Construction; Additional Material Storage (dec date 08/27/14) - Chairperson Fox advised she is familiar with the property. Secretary Mulvaney moved to approve Item 4.c., 419 Federal Rd., Drawing dated 2/22/13 by Artel Engineering Group with a latest revision of 6/17/14, with all of the notes on the site plan modification, and all of the normal stipulations. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

5. New Business:

- a. 203 Gray's Bridge Rd #201400574: Install Berm for buffer & plant Norway Spruce trees; install erosion & sediment controls**
- 1. Plan showing location of proposed work received in the Land Use Office on 07/08/14**
 - 2. Copy of Plan approved by the Zoning Commission on 06/24/10 received in the Land Use Office on 07/08/14**

No one present. The file was reviewed and the wetland delineation was pointed out by WEO Daniel. The addition to the berm will consist of boulders, with the plan to add plantings. The work that has been done to date has not been permitted. The berm will be increased from three feet, to five to six feet.

There was discussion regarding the means that water comes in and leaves the site.

The applicant was not able to attend to meeting tonight. The Commissioners had questions regarding the plans for the increase to the berm, the material for the berm, how the berm will be stabilized so as to not allow material into the wetlands, and what the plunge pool looks like. They suggested that more detailed, engineered drawings be submitted. Chairperson Fox and Secretary Mulvaney plan to inspect the site. They will contact WEO Daniel so that she can advise the property owner.

Chairperson Fox moved to continue 203 Gray's Bridge Rd., #201400574, with the understanding that the notes and comments will be transmitted to the applicant, and that the Commissioners will

have the opportunity to contact the owner and/or WEO to inspect the site. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

b. 1084 Federal Rd #201400588: Jurisdictional Ruling – Tree Removal

1. **Map from Google Maps showing location of trees to be removed at 1084 Federal Road; received in the Land Use Office on 07/10/14**
2. **Plan showing general parking layout and tree locations; received in the Land Use Office on 07/10/14**
3. **Town of Brookfield, CT GIS Map showing 1084 Federal Road with tree locations indicated; received in the Land Use Office on 07/10/14**
4. **Sheet PV.1 – Pre-Sale Layout prepared by RGS Energy dated 07/03/14; received in the Land Use Office on 07/10/14**

S. Hinson, 1084 Federal Rd., was present. A map and photograph of Industrial Park Drive were reviewed. Mr. Hinson advised that many of the trees are choked with vine. There are eight trees. The applicant is looking to install a solar ray which is being blocked by the trees. Mr. Hinson advised that the watercourse is intermittent, so he is unsure of where to measure the wetlands from. Chairperson Fox indicated that the trees provide shade to the watercourse and its habitat. Mr. Hinson is aware of where the line for the State property is, and noted that none of the trees are on the State land.

Chairperson Fox questioned whether this proposal should require a short form application. There was discussion regarding tagging the trees and possibly testing the soil. The Commissioners would like to inspect the site on their own. Mr. Hinson will be traveling for one week beginning July 19, 2014. WEO Daniel will contact Mr. Hinson if they visit the site before Saturday.

Chairperson Fox moved to continue 1084 Federal Rd., #201400588: Jurisdictional Ruling – Tree Removal, to the next regularly scheduled meeting, with the understanding that the Commissioners will attempt to contact the applicant and try to coordinate a visit to the site. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

c. Newbury Village – Still Water Circle #201400590: Construction of nine additional townhouse units with associated site amenities along the southern side of Still Water Circle

1. **Development Report prepared by CCA, LLC received in the Land Use Office on 07/10/14, including the following documentation:**
 - **Inland Wetlands Commission Application dated 07/10/14**
 - **Adjoining Property Owners List**
 - **Letter from M. Klein of Environmental Planning Services, LLC to S. Sullivan of CCA, LLC Re: 883-891 Federal Road dated 06/30/14**
 - **Sheet 1 – Map for Wetland Delineation dated 02/28/14**
 - **Statewide Inland Wetlands & Watercourses Activity Reporting Form**
2. **Plans prepared by CCA, LLC received in the Land Use Office on 07/10/14:**
 - **Cover Sheet – Revised Site Development Plans – Additional Townhouse Units – Newbury Village dated 07/10/14**
 - **Sheet N1 – General Legend, Notes and Abbreviations dated 06/12**
 - **Sheet C1 – Existing Conditions Plan dated 07/10/14**
 - **Sheet C2 – Layout & Materials Plan dated 07/10/14**
 - **Sheet C3 – Grading & Drainage Plan dated 07/10/14**
 - **Sheet C4 – Utilities Plan dated 07/10/14**
 - **Sheet C5 – Landscape Plan dated 07/10/14**
 - **Sheet C6 – Notes & Details dated 07/10/14**
 - **Sheet C7 – Notes & Details dated 07/10/14**
 - **Sheet E1 – Sedimentation & Erosion Control Plan dated 12/07/05**

M. Handshy, and A. Adams, Registered Landscape Architect, CCA, 40 Old New Milford Rd., were present. Mr. Handshy reviewed that the development was approved for 120 units and the existing plantings are having an excellent survival rate. The applicant is now proposing to add nine more units.

Ms. Adams reviewed the existing conditions plan and where the additional units are planned, as well as the new property line. She noted the location of the wetlands, the pipe and the brook that heads toward the Still River, utilizing Plans C2 and C3 for demonstration. Upon inquiry from Secretary Mulvaney, Ms. Adams advised that the corner of the building is 50 feet from Wetland Flag #47. Drainage for ten units will exit to a splash pad, and the applicant will provide the size of the pad. Access to the back of buildings will still be available.

Ms. Adams then reviewed the landscape buffer plantings, including the installation of shrubs in a wooded area. She also reviewed the minor changes to the contours. WEO Daniel inquired if drainage calculations were done, and Ms. Adams will provide the information from S. Sullivan for the regulated area.

There was discussion regarding the maintenance of the existing drainage system. The request for the details on the splash pad was reiterated. There was discussion regarding the square footage of the roofs of the additional units, and the amount of drainage that would result.

Secretary Mulvaney moved to continue Newbury Village – Still Water Circle #201400590, to the next regularly scheduled meeting. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

- d. 36 North Mountain Rd #201400591: 12-lot residential affordable subdivision with associated road and utilities (Mountain Road Hollow)**
(First possible public hearing date: August 11th, 2014)
- 1. Site Development Report for Mountain Road Hollow prepared by CCA, LLC dated 07/10/14, including the following documentation:**
 - **Adjoining Property Owners List (within 100')**
 - **Deep Hole Tests and Percolation Results for Mountain Road Hollow**
 - **Inland Wetlands Report for 36 North Mountain Road prepared by Penelope C. Sharp dated 06/05/14**
 - **Wetland Delineation Mountain Road Hollow Affordable Subdivision prepared by Roy A. Shook, Jr. dated 05/08/14**
 - 2. Drainage Report for Mountain Road Hollow prepared by CCA, LLC dated 07/10/14**
 - 3. Sheet 1 – Existing Conditions Plan prepared by CCA, LLC dated 05/08/14**
 - 4. Plans prepared by CCA, LLC received in the Land Use Office on 07/10/14:**
 - **Cover Sheet – Site Development Plan Mountain Road Hollow Affordable Subdivision dated 07/10/14**
 - **Sheet N1 – General Legend, Notes and Abbreviations dated 07/10/14**
 - **Sheet 1 of 1 – Final Subdivision Map dated 04/24/14**
 - **Sheet EC1 – Existing Conditions Plan dated 07/10/14**
 - **Sheet C1 – Site Layout Plan dated 07/10/14**
 - **Sheet C2 – Grading and Utility Plan dated 07/10/14**
 - **Sheet C3 – Detention Basin Planting dated 06/19/14**
 - **Sheet D1 – Notes & Details dated 07/10/14**
 - **Sheet D2 – Notes & Details dated 07/10/14**
 - **Sheet E1 – Sedimentation & Erosion Control Plan dated 07/10/14**

Ms. A. Adams, Registered Landscape Architect, CCA, 40 Old New Milford Rd., and J. Sivo, 13 Nabby Rd., Brookfield Rd., were present.

Ms. Adams reviewed the property location, size and topography. She noted that the wetlands were delineated by R. Shook, and she highlighted the existing detention basin. Ms. Adams advised that an environmental report was prepared by P. Sharp. The proposal is for a 12-lot affordable residential subdivision, with a small portion of open space.

Upon inquiry from Vice Chairman Forlenza, Mr. Sivo explained the subdivision history and the granting of open space.

Ms. Adams continued that the proposed cul-de-sac will allow access to the lots, which will be served by septic and private wells. The 2,150 square feet of wetlands disturbance will be near the access drive. Ms. Adams advised that the new detention basin will be on Lot 2. There is also a planting plan for the detention basin.

Chairperson Fox inquired if the application includes the calculations for the size of the detention basins, and Ms. Adams indicated that it does. Ms. Adams will verify that the construction sequence is in the material. The Commission advised that it may get a professional review of the calculations provided. There was discussion regarding alternatives that would minimize the wetlands impact.

WEO Daniel noted that P. Sharp's report discusses a functions and values report regarding the habitat of the wetlands.

There was discussion regarding possible dates for the public hearing.

Vice Chairman Forlenza moved to set a Public Hearing for 36 North Mountain Rd., #201400591: 12-lot residential affordable subdivision with associated road and utilities (Mountain Road Hollow), for August 11, 2014, at 7:30 p.m. Secretary Mulvaney seconded the motion, and it carried unanimously.

6. **Tabled Items: None.**

7. **Correspondence:**

- a. **Minutes of Other Boards & Commissions: 06/19/14 Planning; 06/26/14 Zoning; 07/07/14 Zoning Board of Appeals**
- b. **Memo from the Land Use Office to Land Use Commissions dated 06/23/14
Re: Publications of Decisions & Public Hearings**
- c. **Notice of Tentative Determination to Approve an Application for Diversion of Water Permit and Intent to Waive Public Hearing Application No. DIV-201400121 from the CT DEEP dated 06/19/14**
- d. **Permit Application for the Use of Pesticides in State Waters from the CT DEEP received in the Land Use Office on 07/02/14**
- e. **The New England Cottontail Initiative in Connecticut, A Workshop**
- f. **2013 Water Quality Report from Aquarion Water Company**

8. **Review Minutes of Previous Meetings: 06/23/14 – Please keep this item on the agenda for the next meeting.**

9. **Informal Discussion:**

- a. **Native & Non-native Invasive Species *requested by Secretary Mulvaney at the 06/23/14 meeting***

Secretary Mulvaney indicated that he would like to have a discussion on this topic in the near future. Chairperson Fox added that she would like to discuss vernal pools when there is a full Commission in attendance. She will also provide the link for the Calhoun & Clemons report.

10. Adjourn:

Vice Chairman Forlenza moved to adjourn the meeting at 8:47 p.m. Secretary Mulvaney seconded the motion, and it carried unanimously.

*****Next regular meeting scheduled for July 28, 2014*****